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October 5, 2016

**VIA ECF**

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
Courtroom 11D  
New York, NY 10007-1312

Re: *Discover Growth Fund v. 6D Global Technologies, Inc. et al.*,  
Case No. 1:15-cv-07618-PKC

Dear Judge Castel:

This firm has recently been retained to represent Plaintiff Discover Growth Fund ("Plaintiff") in its pursuit of claims against defendants 6D Global Technologies, Inc. ("6D Global"), Tejune Kang, Mark Szykowski, Adam Hartung, David S. Kaufman, Terry McEwen, Anubhav Saxena,<sup>1</sup> New York Global Group, Inc., NYGG (Asia), Ltd., Benjamin Tianbing Wei, Tianyi Wei, Michaela Wei, and Seref Dogan Erbek (collectively, "Defendants").

Plaintiff consents to the motion to arbitrate the claims against the 6D Defendants and respectfully requests that the Court stay the proceedings as to the 6D Defendants as of the date an order is entered.

Contrary to the 6D Defendants representations, this firm has not waited over eleven months to serve the original complaint on the 6D Defendants. Indeed, this firm requested and received waivers of service within two months of filing its notice of substitution of attorney. *See* Dkt. Nos. 54, 57. Since being retained by Plaintiff, this firm has been diligently investigating the claims, researching service addresses for all defendants, and reviewing relevant court filings for

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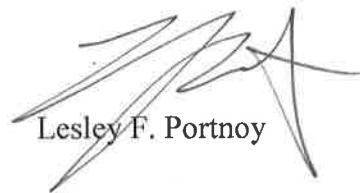
<sup>1</sup> Defendants 6D Global, Tejune Kang, Mark Szykowski, Adam Hartung, David S. Kaufman, Terry McEwen, and Anubhav Saxena are collectively referred to as the "6D Defendants."

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at least seven relevant criminal and civil actions related to Defendants, 6D Global's predecessor company, and Defendants' affiliates.

This firm is also in the process of drafting an arbitration statement of claim against the 6D Defendants and an amended complaint for the remaining defendants who are not parties to the SPA. Plaintiff anticipates that the arbitration statement of claim and amended complaint will be filed no later than October 31, 2016. Again, Plaintiff respectfully requests that the Court stay the proceedings as to the 6D Defendants as of the date an order is entered.

Respectfully submitted,



Lesley F. Portnoy

cc: All counsel of record (*via ECF*)

**PROOF OF SERVICE BY ELECTRONIC POSTING PURSUANT TO SOUTHERN  
DISTRICT OF NEW YORK ECF AND LOCAL RULES AND BY MAIL  
ON ALL KNOWN NON-REGISTERED PARTIES**

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On October 5, 2016, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of October, 2016, at Los Angeles, California.

*s/ Lesley F. Portnoy*  
Lesley F. Portnoy

## Mailing Information for a Case 1:15-cv-07618-PKC Discover Growth Fund v. 6D Global Technologies, Inc. et al

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)